

REMARKS

In reply to the final Office Action of March 23, 2007, Applicant submits the following remarks. Claims 1-40 are pending in this application, of which claims 1 and 35-39 are independent. Claim 26 has been amended to correct a typographical error noticed by the Applicant. As this amendment requires only cursory review by the Examiner, entry of this amendment is believed to be proper under MPEP 714.13.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 11-15, 17-18, 21-23, 25-26, 30, 36, 38, and 40

Claims 1, 2, 11-15, 17-18, 21-23, 25-26, 30, 36, 38, and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,603,232 ("Kurland") in view of U.S. Patent Application Publication No. 2002/0053077 ("Shah-Nazaroff"). Applicants respectfully request reconsideration and withdrawal of this rejection because neither Kurland, Shah-Nazaroff, nor any proper combination of these references, describes or suggests the subject matter of independent claim 1.

Independent claim 1 recites, *inter alia*, preparing a first evaluation round that includes at least a polling request and sending the first evaluation round to one or more set top systems of one or more interactive television viewers. Responses to the first evaluation round are received, and a second pool of revised elements that reflect more popular elements as identified in the first evaluation round are identified such that the second pool includes fewer elements than the first pool. Revised elements are selected such that subsets of revised elements are defined. At least one second polling request is configured, each second polling request including one of the subsets of revised elements, and each second polling request prompting a view to evaluate the revised elements selected from the second pool.

Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1 because neither Kurland, Shah-Nazaroff, nor any proper combination of these references, describes or suggests configuring at least one second polling request, each second polling request including one or more subsets of revised elements that reflect more popular elements identified in a first evaluation round, and each second polling request

prompting a viewer to evaluate the revised elements selected from a second pool, as recited in claim 1.

Kurland is directed towards a method for electronically disseminating marketing surveys to panelists. See Kurland at col. 3, lines 47-55. The final Office Action acknowledges that Kurland “does not disclose that each second polling request including one of the subsets of revised elements.” See final Office Action at page 3, lines 16-18. For this feature, the final Office Action relies Shah-Nazaroff; and, in particular, on Figures 4, 6, and 7 of Shah-Nazaroff. See id.

However, Shah-Nazaroff does not remedy the failure of Kurland to describe or suggest configuring at least one second polling request, each second polling request including one or more subsets of revised elements that reflect more popular elements identified in a first evaluation round, and each second polling request prompting a viewer to evaluate the revised elements selected from a second pool. Rather, Shah-Nazaroff describes a method of collecting viewer feedback regarding a programming selection and determining a rating for the programming selection based on the feedback. See Shah-Nazaroff at paragraph 0009.

The final Office Action asserts that Figures 4, 6, and 7 show “each second polling request including one of the subsets of revised elements.” However, Figure 4 shows a questionnaire designed to collect information regarding a news segment that is part of a national address given by the President of the United States. See Shah-Nazaroff at paragraph 0042 and FIG. 4 (showing a synopsis of the broadcast, and questions for the viewer to answer regarding the broadcast). Thus, Figure 4 shows one questionnaire with a set of questions and possible responses, and there is no indication that the content of the questionnaire reflects more popular questions or responses that were identified in an earlier questionnaire.

Similarly, Figure 6 of Shah-Nazaroff shows a movie review questionnaire that includes questions about a specific movie. See Shah-Nazaroff at paragraph 0047 and FIG. 6. Figure 7 shows a screen that includes a portion where a viewer inputs characteristics, such as the viewer’s preferred movie genres and the viewer’s age. See Shah-Nazaroff at paragraph 0048 and FIG. 7. The screen also includes a portion that displays broadcasts most likely to be of interest to the viewer based on the characteristics. See id. Thus, these portions of Shah-Nazaroff also show one questionnaire with a set of questions and responses, but there is no indication that the

questions or responses reflect more popular questions or responses that were identified in an earlier questionnaire.

Accordingly, like Kurland, Shah-Nazaroff also does not describe or suggest configuring at least one second polling request, each second polling request including one or more subsets of revised elements that reflect more popular elements identified in a first evaluation round, and each second polling request prompting a viewer to evaluate the revised elements selected from a second pool, as recited by claim 1. Thus, the combination of these two references also fails to describe or suggest this feature.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims 2, 11-15, 17-18, 21-23, 25-26, 30. Independent claims 36, 38, and 40 recite subject matter similar to that recited by claim 1, thus the rejection of these claims should be withdrawn for reasons similar to those described with respect to claim 1.

Furthermore, like Kurland and Shah-Nazaroff, Lett (U.S. Patent No. 5,539,822), Hattori et al. (U.S. Patent No. 5,719,619), Frost (U.S. Patent No. 5,041,972), Belmont (U.S. Patent No. 5,819,156), Inaba (U.S. Patent No. 5,880,789), McKissick et al. (U.S. Patent Publication 2006/019066), Aras et al. (U.S. Patent No. 5,872,588), and Bejan et al. (U.S. Patent No. 5,465,384) also fail to describe or suggest configuring at least one second polling request, each second polling request including one or more subsets of revised elements that reflect more popular elements identified in a first evaluation round, and each second polling request prompting a viewer to evaluate the revised elements selected from a second pool, as recited by claim 1.

Claims 35, 37, and 39

Independent claims 35, 37, and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurland in view of U.S. Patent No. 5,880,789 ("Inaba"). Applicants respectfully request reconsideration and withdrawal of this rejection because neither Kurland, Inaba, nor any proper combination of these references, describes or suggests the subject matter of independent claim 35.

Independent claim 35 recites, *inter alia*, a first evaluation round is received, the first evaluation round is completed, responses to the first evaluation round are transmitted, and a subsequent evaluation round including revised elements that reflect more popular elements as identified in the first evaluation round is received.

Applicant respectfully requests reconsideration and withdrawal of this rejection because neither Kurland, Inaba, nor any proper combination of these references, describes or suggests at least receiving a subsequent evaluation round including revised elements that reflect more popular elements as identified in a first evaluation round, as recited by claim 35.

As acknowledged by the final Office Action, Kurland "does not disclose that more popular elements as identified in the first evaluation round." See final Office Action at page 15, lines 11-12. For this feature, the final Office Action relies on Inaba.

Inaba relates to an apparatus for detecting and displaying a supplementary program contained in a television program that is currently being transmitted. See Inaba at col. 1, lines 6-8. In particular, Inaba's apparatus may include a response feedback program capable of carrying out a television poll, and capable of displaying statistics on correct answers and carrying out a tournament of viewers. See Inaba col. 5, lines 53-54. However, Inaba does not indicate that the tournament of viewers includes receiving a first evaluation round and receiving a subsequent evaluation round, much less a subsequent evaluation round that includes revised elements that reflect more popular elements as identified in the first evaluation round. Thus, Inaba also does not describe or suggest receiving a subsequent evaluation round including revised elements that reflect more popular elements as identified in the first evaluation round, as recited in claim 35.

Accordingly, like Kurland, Inaba also does not describe or suggest receiving a subsequent evaluation round including revised elements that reflect more popular elements as identified in the first evaluation round, as recited by claim 35. Thus, the combination of these two references also fails to describe or suggest this feature. Claims 37 and 39 recite similar subject matter in the context of a communications apparatus and a computer program. Thus, these claims are believed to be allowable over Kurland and Inaba for reasons similar to those discussed with respect to claim 35.

Applicant submits that all claims are in condition for allowance.

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No fee is believed due. Nonetheless, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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